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Appl. No. 10/740,260
Docket No. 9476
Response dated June 13, 2007
Reply to Office Action mailed on March 13, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1-4 and 6-22 are pending in the present application.

Rejection Under 35 USC §102/103 Over U.S. Patent No. 6,861,380 B2

Claims 1-3, 6-20, and 22 are rejected by the Examiner under 35 USC 102(e) as allegedly being anticipated by or, in the alternative, under 35 USC 103(a) as allegedly defining obvious subject matter over U.S. Patent No. 6,861,380 B2 to Garnier, et al. ("Garnier"). The Examiner asserts that Garnier teaches a method for making multilayered paper webs in which the web is formed by at least one layer of a blend of synthetic and cellulosic fibers. The Examiner asserts that Garnier inherently teaches the redistribution of some of its synthetic fibers within its web since some of the synthetic fibers would be at least softened by the heat of the dryer. The Examiner also asserts that since Garnier teaches that its web can be throughdried, the hot air would pass through the web, which would contribute to the redistribution of some of the synthetic fibers. Accordingly, the Examiner concludes that the teachings of Garnier anticipate or render obvious the claimed invention.

Applicants respectfully disagree with the Examiner's conclusion. Applicants respectfully submit that Garnier fails to teach each and every element of Claim 1, 11, and 22, the independent claims because Garnier fails to teach the step of redistributing some of the synthetic fibers within its web. As shown in Exhibit 1 attached hereto, which was prepared by a named inventor, Applicants appreciate that Garnier teaches a precursor, multilayered web that comprises a layer comprising synthetic and cellulosic fibers (A), which is similar to a precursor fibrous structure of the present invention (B). However, Applicants respectfully submit that Garnier teaches that its synthetic fibers soften, when subjected to heat, to fuse and/or bond to the cellulosic fibers in order to reduce the lint generated by its web. As a result, Applicants respectfully submit that after heating, the synthetic fibers within Garnier's web are not redistributed (C). Therefore, Applicants submit that Garnier does not teach a method for making a fibrous structure comprising the step of redistributing some of the synthetic fibers within a layer of a fibrous structure.

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This is contrary to the method for making a fibrous structure as claimed since some of the synthetic fibers of a layer of the fibrous structure are redistributed (D).

Accordingly, Applicants respectfully submit that Garnier fails to teach each and every element of the claimed invention as claimed in Claims 1, 11 and 22. Therefore, Applicants submit that Claims 1, 11 and 22 are not anticipated by nor rendered obvious over Garnier. Further, Applicants submit that Claims 2-4, 6-10 and 12-21, which ultimately depend from Claim 1 or 11, are not anticipated by nor rendered obvious over Garnier.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,861,380 B2 in View of U.S. Patent No. 5,490,572 or U.S. Patent No. 5,405,499

Claims 4 and 21 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Garnier, described above, in view of U.S. Patent No. 5,490,572 to Kershaw, et al. ("Kershaw") or U.S. Patent No. 5,405,499 to Vinson, et al. ("Vinson"). The Examiner asserts that Kershaw and Vinson teach that short fibers with low coarseness would improve the perceived softness of a web. Therefore, the Examiner concludes that it would have been obvious to one of ordinary skill in the art to incorporate short fibers having low coarseness into the webs of Garnier.

Applicants respectfully submit that Claims 4 and 21, which ultimately depend from Claims 1 and 11, are not rendered obvious over Garnier in view of Kershaw or Vinson for the same reasons that Claims 1 and 11 are not rendered obvious over Garnier. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,861,380 B2

in view of Applicants' Admission

Claims 11-20 and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly being unpatentable over Garnier in view of Applicants' Admission. The Examiner asserts that Garnier teaches forming members similar to the ones disclosed in the present application can be used to form tissue webs and that certain forming wires have been recognized by the Applicants as being known in the art. Therefore, the

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Examiner concludes that the use of a channeled forming wire/fabric/felt/belt to make Garnier's web would have been obvious to one of ordinary skill in the art.

Applicants respectfully submit that Claims 11-20 and 22 are not rendered obvious over Garnier in view of Applicants' admission for the same reasons that Claims 11-20 and 22 are not rendered obvious over Garnier, as discussed above.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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